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Joseph M Guiliano
Fish & Neave IP Group Roper & Gray LLP
1251 Avenue of the Americas
New York, NY 10020

EXAMINER
SHANG, ANNAN Q

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/410,853
Filing Date: October 01, 1999
Appellant(s): ALTEN ET AL.

PAUL E. LEBLOND
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/05/08 and 01/21/09 appealing from the

Office action mailed 08/09/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,706,121	YOUNG	11-1987
5,179,654	RICHARDS ET AL.	1-1993
6,320,588	PALMER ET AL.	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 5, 13, 14, 17, 18, 26, 27, 30, 31, 39, 40, 42, 43, 46 and 47 and 52-59
are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young et al (4,706,121)** in
view of **Richards et al (5,179,654).**

As to claim 1, note the **Young** reference figures 1-3, discloses a TV schedule or
EPG system and process which allows a user selection of broadcast programs from
schedule information and further discloses a method for providing help information that

explains to a user of an electronic television program guide how the electronic television program guide operates, the method comprises the following:

the claimed "tracking and storing…receiving a user input and providing help information that explains to the user how the electronic television program guide operates…" is met bb Remote Receiver (RR) 118/System Control Unit (SCU) 106 (figs. 3-5, col. 7, lines 33-57, col. 9, line 48-col. 10, line 10+ and col.12, line 5-col.15, line 1+), note that RR-118/SCU-106 receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where in each mode of the guide and help information is provided at the bottom of the screen of Television Receiver (TV) 126 or 200 (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the various modes of TV program guide operates. Young further teaches that "The CPU 110 supplies control outputs, based on a user selections, to a programmable TV tuner...Information identifying programs selected from the schedule information is on the basis of the user selection criteria is stored in memory 111 by the CPU 110. The CPU retrieves the information at the appropriate time for generating the controls outputs…" (col.7, line 60-col.8, line 1+), note further the plurality of modes (Master Guide "MG" mode, Program Guide "PG' modes, which further provides additional modes (PG-A, PG-P, PG-C, PG-+, etc. see col.9, line 46-col.10, line 1+ and col.12, line 5-col.15, line 1+), etc), CPU 110 or SCU 106, tracks and stores the various modes of operation and further provides help information that explains to the user how the electronic TV program guide or menu operates in response to receiving the user inputs, the help information provided based on the stored operating mode.

Young does not clearly teach tracking and storing a current operating mode of an

electronic program guide as the user operates the electronic program guide and providing

help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information,

that appear through pop-up windows, at various operating mode of the menu and the

system tracks and stores the current operating mode of the menu as the user operates the

menu and provides help information based on the stored current operating mode of the

menu and where the stored current operating mode of the menu comprises data reflecting

the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-col.4, line 33,

col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+), note that

the user navigates through menus and Microprocessor 10, tracks and stores each menu

and also items within each menu to dynamically provide different levels of help information

based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time of

the invention to incorporate the teaching of Richards into the system of Young to

dynamically generate help text or instruction and display help text on each selected tile,

item or grid of the EPG data, and furthermore enable interaction with each selected tiles or

grid of the EPG data for additional information, help or instructions relating to the selected

tile or grid of the EPG data.

As to claim 4, Young further discloses where RC 116 or 118 generates the user

input in response to the user depressing PG 224 "help information key" on RC 116 or 118

(col. 9, line 54 and col. 12, lines 30-44), to displayed help information at the bottom of the screen of TV 126 or 200.

As to claim 5, Young further discloses displaying a text message (col. 12, lines 30-58), which explains to the user how a portion of the EPG operates.

As to claim 13, Young further discloses storing the help information in memory and retrieving the help information from the memory in response to receiving the user input (col. 7, lines 47-64, col. 8, lines 32-44 and col. 12, lines 64-68).

As to claim 14, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses a method for providing help information that explains to a user of an electronic television program guide how the electronic television program guide operates, the system comprises the following:

the claimed "means for tracking and storing...receiving a user input and means for providing help information that explains to the user how the electronic television program guide operates…" is met by Remote Receiver (RR) 118/System Control Unit (SCU) 106 (figs. 3-5, col. 9, line 54 and col. 12, lines 30-44 col. 9, line 48-col. 10, line 10+ and col.12, line 5-col.14, line 1+), note that RR-118/SCU-106 receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where in each mode of the guide and help information is provided at the bottom of the screen of Television Receiver (TV) 126 or 200 (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the various modes of TV program guide operates. Young further teaches that "The CPU 110 supplies control

outputs, based on a user selections, to a programmable TV tuner...Information identifying

programs selected from the schedule information is on the basis of the user selection

criteria is stored in memory 111 by the CPU 110. The CPU retrieves the information at the

appropriate time for generating the controls outputs..." (col.7, line 60-col.8, line 1+), note

further the plurality of modes (Master Guide "MG" mode, Program Guide "PG' modes,

which further provides additional modes (PG-A, PG-P, PG-C, PG-+, etc. see col.9, line 46-

col.10, line 1+ and col.12, line 5-col.15, line 1+), etc), CPU 110 or SCU 106, tracks and

stores the various modes of operation and further provides help information that explains to

the user how the electronic TV program guide or menu operates in response to receiving

the user inputs, the help information provided based on the stored operating mode.

Young does not clearly teach tracking and storing a current operating mode of an

electronic program guide as the user operates the electronic program guide and providing

help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information,

that appear through pop-up windows, at various operating mode of the menu and the

system tracks and stores the current operating mode of the menu as the user operates the

menu and provides help information based on the stored current operating mode of the

menu and where the stored current operating mode of the menu comprises data reflecting

the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-col.4, line

33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+), note

that the user navigates through menus and Microprocessor 10, tracks and stores each

menu and also items within each menu to dynamically provide different levels of help

information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Richards into the system of Young to

dynamically generate help text or instruction and display help text on each selected tile,

item or grid of the EPG data, and furthermore enable interaction with each selected tiles

or grid of the EPG data for additional information, help or instructions relating to the

selected tile or grid of the EPG data.

Claim 17, is met as previously discussed with respect claim 4.

Claim 18, is met as previously discussed with respect claim 5.

Claim 26, is met as previously discussed with respect claim 13.

As to claim 27, note the **Young** reference figures 1-3, discloses a TV schedule

system and process which allows a user selection of broadcast programs from schedule

information and further discloses an electronic television program guide system that

provides help information for explaining to a user of an electronic television program

guide how the electronic television program guide operates, the system comprises the

following:

the claimed "a video display generator," is met by Video Display Generator (VDG)

204 (col. 8, lines 48-62);

the claimed "a remote controller," is met by Remote Control Transmitters (RC)

116 or 118 (col. 7, lines 33-57 and col. 9, lines 48-52);

the claimed "a microcontroller," is met by CPU 178 or System Control Unit (SCU) 106 (col. 8, lines 35-62); and electronic television program guide (EPG) executed by CPU 178 and programmed to receiver a user input via Remote Control Transmitters (RC) 116 or 118 and Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), and provides help information at the bottom of the screen of Television Receiver (TV) 126 or 200 that explains to the user how the EPG operates to the VDG 204 in response to receiving the user input (col. 9, line 54 and col. 12, lines 30-44 col. 9, line 48-col. 10, line 10+ and col.12, line 5-col.14, line 1+), note that RR-118/SCU-106 receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where in each mode of the guide and help information is provided at the bottom of the screen of Television Receiver (TV) 126 or 200 (col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the various modes of TV program guide operates. Young further teaches that "The CPU 110 supplies control outputs, based on a user selections, to a programmable TV tuner...Information identifying programs selected from the schedule information is on the basis of the user selection criteria is stored in memory 111 by the CPU 110. The CPU retrieves the information at the appropriate time for generating the controls outputs…" (col.7, line 60-col.8, line 1+), note further the plurality of modes (Master Guide "MG" mode, Program Guide "PG' modes, which further provides additional modes (PG-A, PG-P, PG-C, PG-+, etc. see col.9, line 46-col.10, line 1+ and col.12, line 5-col.15, line 1+), etc), CPU 110 or SCU 106, tracks and stores the various modes of operation and further provides help information that explains to the user how the electronic TV program guide or menu

operates in response to receiving the user inputs, the help information provided based on
the stored operating mode.

Young does not clearly teach tracking and storing a current operating mode of an
electronic program guide as the user operates the electronic program guide and providing
help information based on the stored current operating mode.

Young fails to explicitly teach tracking and storing a current operating mode of the
electronic program guide as the user operates the electronic program guide and providing
help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that
appear through pop-up windows, at various operating mode of the menu and the system
tracks and stores the current operating mode of the menu as the user operates the menu
and provides help information based on the stored current operating mode of the menu and
where the stored current operating mode of the menu comprises data reflecting the current
operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-col.4, line 33, col.5, lines
8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+), note that the user
navigates through menus and Microprocessor 10, tracks and stores each menu and also
items within each menu to dynamically provide different levels of help information based on
the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time of
the invention to incorporate the teaching of Richards into the system of Young to
dynamically generate help text or instruction and display help text on each selected tile, item

or grid of the EPG data, and furthermore enable interaction with each selected tiles or grid of

the EPG data for additional information, help or instructions relating to the selected tile or

grid of the EPG data.

Claim 30, is met as previously discussed with respect claim 4.

Claim 31, is met as previously discussed with respect claim 5.

Claim 39, is met as previously discussed with respect claim 13.

As to claim 40, note the **Young** reference figures 1-3, discloses a TV schedule system

and process which allows a user selection of broadcast programs from schedule information

and further discloses machine-readable media for use with an electronic television program

guide, the machine-readable media comprising program logic recorded there for the

following:

the claimed "receiving a user input and providing help information that explains to

the user how the electronic television program guide operates…" is met by Remote Receiver

(RR) 118 or 190 (figs. 3-5, col. 9, line 54 and col. 12, lines 30-44 col. 9, line 48-col. 10, line

10+ and col.12, line 5-col.14, line 1+), note that RR 118 or 190 receives via Remote Control

Transmitters (RC) 116 or 118, user inputs, where in each mode of the guide and help

information is provided at the bottom of the screen of Television Receiver (TV) 126 or 200

(col. 9, line 54 and col. 12, lines 30-44) that explains to the user how the various modes of

TV program guide operates. Young further teaches that "The CPU 110 supplies control

outputs, based on a user selections, to a programmable TV tuner...Information identifying

programs selected from the schedule information is on the basis of the user selection criteria

is stored in memory 111 by the CPU 110. The CPU retrieves the information at the

appropriate time for generating the controls outputs…" (col.7, line 60-col.8, line 1+), note

further the plurality of modes (Master Guide "MG" mode, Program Guide "PG' modes, which

further provides additional modes (PG-A, PG-P, PG-C, PG-+, etc. see col.9, line 46-col.10,

line 1+ and col.12, line 5-col.15, line 1+), etc), CPU 110 or SCU 106, tracks and stores the

various modes of operation and further provides help information that explains to the user

how the electronic TV program guide or menu operates in response to receiving the user

inputs, the help information provided based on the stored operating mode.

        Young does not clearly teach tracking and storing a current operating mode of an

electronic program guide as the user operates the electronic program guide and providing

help information based on the stored current operating mode. However, **Richards** teaches a

menu system which provides help information, that appear through pop-up windows, at

various operating mode of the menu and the system tracks and stores the current operating

mode of the menu as the user operates the menu and provides help information based on

the stored current operating mode of the menu and where the stored current operating mode

of the menu comprises data reflecting the current operating mode (figs. 1-4, col.1, line 61-

col.2, line 61, col.3, line 1-col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-

47 and line 47-col.8, line 1+), note that the user navigates through menus and

Microprocessor 10, tracks and stores each menu and also items within each menu to

dynamically provide different levels of help information based on the mode of operation of a

menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time
of the invention to incorporate the teaching of Richards into the system of Young to
dynamically generate help text or instruction and display help text on each selected tile,
item or grid of the EPG data, and furthermore enable interaction with each selected tiles or
grid of the EPG data for additional information, help or instructions relating to the selected
tile or grid of the EPG data.

Claim 42, is met as previously discussed with respect claim 4.

Claim 43, is met as previously discussed with respect claim 5.

Claim 47, is met as previously discussed with respect claim 13.

Claim 52, is met as previously discussed with respect claim 1, note the current
operating mode is a menu as disclosed in Richards.

Claim 53, is met as previously discussed with respect claim 14,

Claim 54, is met as previously discussed with respect claim 27,

Claim 55, is met as previously discussed with respect claim 40.

Claim 56, is met as previously discussed with respect claim 1,

Claim 57, is met as previously discussed with respect claim 14,

Claim 58, is met as previously discussed with respect claim 27.

Claim 59, is met as previously discussed with respect claim 40.

A2.   Claims 2, 6, 7, 15, 19, 20, 28, 32, 33, 41, 44 and 45, are rejected under 35
U.S.C. 103(a) as being unpatentable over **Young (4,706,121)** in view of **Richards et al**

(5,179,654) as applied to claims 1, 14, 27 and 40 above, and further in view of **Palmer**

et al (6,320,588).

As to claims 2, 15, 28 and 41, Young as modified by Richards displays a help

menu at the bottom of the screen upon receiving a user selection, but fail to explicitly

teach displaying a help icon.

However, **Palmer** teaches displaying a help icon on a menu (fig. 23 and col. 19,

lines 31-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Palmer into the system of Young as

modified by Richards to provide a help icon as a visual mnemonics on the screen for a

user-friendly GUI that allows the user to control without having to remember a command

or input at a remote control or keyboard.

As to claims 6, 7, 19, 20, 32, 33, 44 and 45, Young as modified by Richards fails

to explicitly teach where the help information comprises displaying an instructional video

or audio that explains to the user how a portion of the EPG operates.

However, Palmer further teaches a menu system, with audio/visual help

instruction, which explains how a portion of the menu operates (figs. 23-25, col. 17, line

64-col. 18, line 2, col. 19, lines 31-39 and col. 22, line 63-col. 23, line 1+), note that the

help instruction offers the user three levels comprehensive textual, audio and visual

system documentation (col. 23, lines 30-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Palmer into the system of Young as

modified by Richards to provide help instructional audio and/or video to enhanced the

EPG data and furthermore, video instructional help to enable the hearing impaired to

get help using video help instructions on a display and also audio instructional help, to

enable the blind get audio help instructions.

(10) Response to Argument

The Examiner disagrees that the rejection should be reversed. Appellant

discusses the prior arts of record, Young, Richards and Palmer and the claimed

invention and further argues that "…requirements for a prima facie obviousness

rejection have not been met…" that "…Young in view of Richards fails to

teach...'tracking and storing a current operating mode of the electronic program guide,'

and providing help information based 'n the stored current operating mode…" that

"…Richards does not operate as contended by Examiner…," etc., and further cites and

discusses portions of Richard's disclosure (see page 4+ of Appellant's Brief).

In response, Examiner disagrees with assertion for several reasons. Examiner

notes Appellant's arguments, however, Appellant traversal of the combination of

references stem primarily from Appellant's mischaracterization of the Young and

Richards references. Young discloses receiving a user input, via Remote Receiver (RR)

118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, where in each

mode of the guide and help information is provided at the bottom of the screen of

Television Receiver (TV) 126 or 200 (col. 9, line 54 and col. 12, lines 30-44) that

explains to the user how the various modes of TV program guide operates. Young

further teaches that "The CPU 110 supplies control outputs, based on a user selections, to a programmable TV tuner...Information identifying programs selected from the schedule information is on the basis of the user selection criteria is stored in memory 111 by the CPU 110. The CPU retrieves the information at the appropriate time for generating the controls outputs…" (col.7, line 60-col.8, line 1+). In response to a user request, Young teaches displaying a mode (Master Guide "MG" mode, Program Guide "PG' modes, which further provides additional modes (PG-A, PG-P, PG-C, PG-+, etc. see col.9, line 46-col.10, line 1+ and col.12, line 5-col.15, line 1+), etc) of operation, where CPU 110 or SCU 106, tracks and stores the various modes of operation and further provides help information that explains to the user how the electronic TV program guide or menu operates in response to receiving the user inputs, the help information provided based on the stored operating mode. Young does not clearly teach tracking and storing a current operating mode of the electronic program guide as the user operates the electronic television program guide and providing help information based on the stored current operating mode. However, in the same field of endeavor, this deficiency in Young is disclosed in **Richard's** reference, which teaches a menu system which provides help information. Richards discloses in figures 1-8, a menu system where the Display system, where a user navigates through menus and Microprocessor 10, tracks and stores, the current operating mode of the menu as the user operates the menu and provides help information based on the stored current operating mode of the menu (see figs.1-4, col.1, line 61-col.2, line 56, col.3, lines 1-51, col.4, lines 28-33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-

col.8, line 1+). Furthermore figures 5-8, illustrates a display menu where a user via an input device interacts with the displayed menu or listing and upon request receives help information at the specific location or current state of the point in the menu, concurrently with the information related to the task(s). Accordingly the combination of Young in view of Richards is deemed proper and should be sustained.

As to the rejection under 103(a),…over Young in view of Richards and further in view of Palmer, Young as modified by Richards displays a help menu at the bottom of the screen upon receiving a user selection, but fail to explicitly teach displaying a help icon. However, in the same field of endeavor, **Palmer** teaches displaying a help icon on a menu (fig. 23 and col. 19, lines 31-39). Hence the combination is deemed proper and should be sustained.

As to Appellant's arguments that, "…a prima facie obviousness rejection have not been met…," the Examiner respectfully disagrees with Appellant's conclusion, since Young discloses providing the user a plurality of modes of a TV guide and tracks and stores the various modes of operation and further provides help information that explains to the user how the electronic TV program guide or menu operates in response to receiving the user inputs, the help information provided based on the stored operating mode. In any event, the Appellant is reminded that a reference can be relied upon for all that would have reasonably suggested to one of ordinary skill in the art, including non-preferred/preferred embodiments. Young meets all the claims limitations as discussed above and the only teaching that appears to be absent from Young is tracking and storing a current operating mode of an electronic program guide as the user operates

the electronic television program guide and providing help information based on the

stored current operating mode, for which Richard's reference has been relied upon.

Hence the 103(a) rejection of all the claims is deemed proper and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Annan Q Shang/

Primary Examiner, Art Unit 2424

Annan Q. Shang

Conferees:

/Annan Q Shang/

Primary Examiner, Art Unit 2424

Annan Q. Shang

/Christopher Kelley/

Supervisory Patent Examiner, Art Unit 2424

/John W. Miller/

Supervisory Patent Examiner, Art Unit 2421

Vivek Srivastava

PAUL E. LEBLOND

1211 AVENUE OF THE AMERICAS

NEW YORK, NEW YORK 10036